

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 499**

Introduced by Landis, 46

Read first time January 14, 2005

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section  
2 77-2101.01, Reissue Revised Statutes of Nebraska; to  
3 change calculations and eliminate provisions related to  
4 estate tax; to repeal the original section; to outright  
5 repeal section 77-2103, Reissue Revised Statutes of  
6 Nebraska; and to declare an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 77-2101.01, Reissue Revised Statutes  
2 of Nebraska, is amended to read:

3           77-2101.01. (1) In addition to the inheritance taxes  
4 imposed by the laws of the State of Nebraska, there is levied and  
5 imposed an estate or excise tax upon the transfer of the estate of  
6 every resident decedent and upon the value of any interest in  
7 Nebraska real estate and tangible personal property situated in  
8 Nebraska of a nonresident decedent.

9           (2) For decedents dying before January 1, 2003, the  
10 amount of such tax shall be the amount calculated in section  
11 77-2101.03 maximum state tax credit allowance upon the tax imposed  
12 by Chapter 11 of the Internal Revenue Code reduced by the lesser of  
13 (1) (a) the aggregate amount of all estate, inheritance, legacy, or  
14 succession taxes paid to any state or territory, the District of  
15 Columbia, or any possession of the United States in respect of any  
16 property subject to such tax or (2) (b) the sum of (a) (i) the  
17 amount determined by multiplying the amount calculated in section  
18 77-2101.03 maximum state tax credit allowance with respect to the  
19 taxable transfer by the percentage which the gross value of the  
20 transferred property not situated in Nebraska bears to the gross  
21 value of the transferred property and (b) (ii) the amount of  
22 Nebraska inheritance taxes paid.

23           (3) For all decedents dying on or after January 1, 2003,  
24 (a) for the estate of every resident decedent, the amount of such  
25 tax shall be the amount calculated in section 77-2101.03 reduced by  
26 the percentage which the gross value of the transferred property  
27 not situated in Nebraska bears to the gross value of the  
28 transferred property minus the amount of Nebraska inheritance taxes

1 paid, and (b) for the estate of every nonresident decedent, the  
2 amount of such tax shall be the amount calculated in section  
3 77-2101.03 multiplied by the percentage which the gross value of  
4 the transferred property situated in Nebraska bears to the gross  
5 value of the transferred property minus the amount of Nebraska  
6 inheritance taxes paid.

7           Sec. 2.     Original section 77-2101.01, Reissue Revised  
8 Statutes of Nebraska, is repealed.

9           Sec. 3.     The following section is outright repealed:  
10 Section 77-2103, Reissue Revised Statutes of Nebraska.

11           Sec. 4.     Since an emergency exists, this act takes effect  
12 when passed and approved according to law.